

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION

JAVIER CAZARES
PLAINTIFF

VS.

SASHA IANA KING and
RYDER TRUCK RENTAL, INC.
DEFENDANTS

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CIVIL ACTION NO.: 2:20-CV-27

**DEFENDANT RYDER TRUCK RENTAL, INC.'S
NOTICE OF REMOVAL**

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

Comes now RYDER TRUCK RENTAL, INC. ("RYDER") Defendant in a cause styled *Javier Cazares v. Sasha Iana King and Ryder Truck Rental, Inc.* originally pending as Cause No. 20-02-38470-MCV in the 293rd Judicial District Court, Maverick County, Texas, and pursuant to the terms and provisions of 28 U.S.C. §§ 1441, hereby respectfully files this Notice of Removal of said cause to the United States District Court for the Western District of Texas, Del Rio, and as grounds therefore, would respectfully show the Court as follows:

**I.
NATURE OF THE CASE**

1. This case arises out of an automobile accident that occurred on or about June 22, 2018. Plaintiff alleges that Defendant RYDER employed Defendant Sasha Iana King ("KING"), and that while KING was in the course and scope of his employment with RYDER, he negligently caused the accident at issue in this case. Plaintiff makes further allegations of negligent hiring,

training, supervision, maintenance, and entrustment by RYDER. Finally, Plaintiff alleges both Defendants were grossly negligent.

2. Plaintiff commenced this action in the 293rd Judicial District Court, Maverick County, Texas, on February 12, 2020, by the filing of Plaintiff's Original Petition. Citation was served on Defendant RYDER on March 9, 2020 and Defendant filed its Original Answer on March 30, 2020. Defendant RYDER TRUCK RENTAL, INC. is the only Defendant properly before the Court and timely removes this suit. SASHA IANA KING has not been properly joined and served with the lawsuit and is not properly before the Court; therefore consent to removal from SASHA IANA KING is not necessary to remove this case to Federal Court.

II.

JURISDICTION

3. Pursuant to 28 U.S.C. § 1441, Defendant removes this action to the District Court of the United States for the district and division embracing the place where this action is pending. In support of this Notice, Defendant shows that this action is between citizens of different states. As alleged in their Original Petition, Plaintiff is a citizen of Texas. Plaintiff confirms that Defendant SASHA IANA KING is not citizen of Texas. SASHA IANA KING is a citizen of the State of Georgia. Defendant RYDER TRUCK RENTAL, INC. is a Florida corporation with its principal place of business in Miami, Florida. Plaintiff and Defendants are citizens of different states, none of the Defendants are residents of Texas and the parties are totally diverse from Plaintiff. Plaintiff's Original Petition establishes that the amount in controversy exceeds

\$1,000,000. Accordingly, this Court has diversity jurisdiction under 28 U.S.C. § 1332.

4. A copy of all process, pleadings, and orders served on Defendant are attached as Exhibit A.

III.
DEFENDANT'S NOTICE OF REMOVAL IS TIMELY

5. Defendants further show that this removal is timely sought and this notice was filed within thirty (30) days of Defendant receiving the Service of Citation in *Javier Cazares v. Sasha Iana King and Ryder Truck Rental, Inc.* originally pending as Cause No. 20-02-38470-MCV.

6. Additionally, it has been less than one year since this action was originally commenced. See 28 U.S.C. § 1446(b).

7. Defendant RYDER consents to removal.

IV.
CONCLUSION AND PRAYER

8. All conditions and procedures for removal have been satisfied. Defendant will also promptly give written notice of the filing of this notice of removal to Plaintiff, as well as promptly file a copy of the Notice of Removal with the Clerk of the District Court of Maverick County, Texas.

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that this action now pending against it be removed from the 293rd Judicial District Court, of Maverick County Texas, to this Honorable Court for trial and determination of all issues.

Respectfully submitted,



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**ATTORNEY FOR DEFENDANT,
RYDER TRUCK RENTAL, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing was served in accordance with the Federal Rules of Civil Procedure on this the 30th day of March 2020, to the following counsel of record:

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